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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 09 2004  
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WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | ) | CR. NO. 04-00205 SOM   |
|                           | ) |                        |
| Plaintiff,                | ) | SUPERSEDING INDICTMENT |
|                           | ) |                        |
| vs.                       | ) | 18 U.S.C. § 1344       |
|                           | ) |                        |
| NELIA GARCIA,             | ) |                        |
|                           | ) |                        |
| Defendant.                | ) |                        |
|                           | ) |                        |

SUPERSEDING INDICTMENT

COUNTS 1-83

The Grand Jury charges:

Introduction

1. At all times material to the Indictment, Territorial Savings Bank ("TSB") was a "financial institution" as defined in Title 18, United States Code, Section 20.

2. At all times material to the Indictment, NELIA GARCIA was employed by TSB as a Branch Operations Supervisor in the Branch Operations Department or an Accounts Payable Representative in the Accounting Department in the TSB Corporate Office located in Honolulu, Hawaii.

3. As a Branch Operations Supervisor, from on or about August 2, 1999, to on or about October 24, 2003, NELIA GARCIA had direct access to the TSB general ledger account as well as all TSB customer accounts and had the authorization to credit and debit the TSB general ledger account and customer accounts. As an Accounts Payable Representative, from on or about October 27, 2003, to on or about January 6, 2004, NELIA GARCIA had direct access to the TSB general ledger account and had the authorization to credit and debit the TSB general ledger account.

The Scheme to Defraud

4. From on or about August 16, 2001, to on or about October 24, 2003, in the District of Hawaii, NELIA GARCIA, knowingly executed and attempted to execute a scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, as more

fully set forth below.

5. It was part of the scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, that NELIA GARCIA, among other things, did the following:

a. Used her supervisory position in the Branch Operations Department to debit money from the TSB general ledger account and deposit the money into her TSB account and the TSB accounts of others identified herein as CJ, CG, and MR for her own benefit and the benefit of others.

b. Withdrew the money that she deposited into her TSB account and the TSB accounts of others and used the money for her own benefit and the benefit of others.

c. Concealed the unauthorized debits from the TSB general ledger account by debiting multiple TSB general ledger branch sub-accounts thereby ensuring that the debit amounts for each branch were relatively small in order to avoid scrutiny.

#### Execution of the Scheme to Defraud

6. For the purpose of executing the scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys, funds, credits, assets, securities, and other

property owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, NELIA GARCIA, executed and caused the scheme to be executed by transferring money from the Territorial Savings Bank general ledger account into her TSB account and the TSB accounts of others on approximately 83 occasions and subsequently utilized these funds totaling approximately \$36,736 for her own benefit and the benefit of others as set forth below:

| <u>Count</u> | <u>Date</u> | <u>Amount</u> | <u>Account<br/>Credited</u> | <u>Account<br/>Holder</u> |
|--------------|-------------|---------------|-----------------------------|---------------------------|
| 1            | 08/16/01    | \$105.00      | 3463684                     | CJ                        |
| 2            | 09/10/01    | \$ 45.00      | 4001912098                  | Nelia Garcia              |
| 3            | 09/12/01    | \$ 10.00      | 3463684                     | CJ                        |
| 4            | 09/17/01    | \$ 15.00      | 4001912098                  | Nelia Garcia              |
| 5            | 10/15/01    | \$210.00      | 4001564020                  | MR                        |
| 6            | 11/08/01    | \$ 90.00      | 4001912098                  | Nelia Garcia              |
| 7            | 01/24/02    | \$ 60.00      | 3463684                     | CJ                        |
| 8            | 03/21/02    | \$ 75.00      | 3463684                     | CJ                        |
| 9            | 04/23/02    | \$ 90.00      | 3463684                     | CJ                        |
| 10           | 05/15/02    | \$135.00      | 4001912098                  | Nelia Garcia              |
| 11           | 06/05/02    | \$225.00      | 4001990318                  | Nelia Garcia              |
| 12           | 06/12/02    | \$ 45.00      | 4001946781                  | CG                        |
| 13           | 06/14/02    | \$ 75.00      | 3463684                     | CJ                        |
| 14           | 07/02/02    | \$ 60.00      | 4001564020                  | MR                        |
| 15           | 07/08/02    | \$210.00      | 3338373                     | CJ                        |
| 16           | 08/05/02    | \$300.00      | 4001946781                  | CG                        |
| 17           | 08/06/02    | \$ 90.00      | 4001916781                  | CG                        |
| 18           | 08/15/02    | \$150.00      | 3463684                     | CJ                        |
| 19           | 08/15/02    | \$ 30.00      | 4001946781                  | CG                        |
| 20           | 09/05/02    | \$765.00      | 4001946781                  | CG                        |
| 21           | 09/11/02    | \$120.00      | 4001946781                  | CG                        |
| 22           | 09/16/02    | \$120.00      | 4001946781                  | CG                        |
| 23           | 09/20/02    | \$315.00      | 4001946781                  | CG                        |
| 24           | 09/24/02    | \$540.00      | 4001643781                  | CG                        |
| 25           | 10/02/02    | \$225.00      | 4001946781                  | CG                        |
| 26           | 10/04/02    | \$210.00      | 4001946781                  | CG                        |

| <u>Count</u> | <u>Date</u> | <u>Amount</u> | <u>Account<br/>Credited</u> | <u>Account<br/>Holder</u> |
|--------------|-------------|---------------|-----------------------------|---------------------------|
| 27           | 10/16/02    | \$ 140.65     | 4001946781                  | CG                        |
| 28           | 10/16/02    | \$ 549.35     | 3463684                     | CJ                        |
| 29           | 10/21/02    | \$ 210.00     | 4001912098                  | Nelia Garcia              |
| 30           | 10/30/02    | \$ 840.00     | 4001946781                  | CG                        |
| 31           | 11/08/02    | \$ 360.00     | 4001946781                  | CG                        |
| 32           | 11/18/02    | \$ 525.00     | 4001946781                  | CG                        |
| 33           | 11/22/02    | \$ 300.00     | 4001912098                  | Nelia Garcia              |
| 34           | 12/02/02    | \$ 510.00     | 4001946781                  | CG                        |
| 35           | 12/10/02    | \$ 210.00     | 4001946781                  | CG                        |
| 36           | 12/20/02    | \$ 120.00     | 4001990318                  | Nelia Garcia              |
| 37           | 12/30/02    | \$ 360.00     | 4001990318                  | Nelia Garcia              |
| 38           | 01/06/03    | \$ 375.00     | 4001990318                  | Nelia Garcia              |
| 39           | 01/14/03    | \$ 300.00     | 4001990318                  | Nelia Garcia              |
| 40           | 01/21/03    | \$ 300.00     | 4001912098                  | Nelia Garcia              |
| 41           | 01/24/03    | \$ 300.00     | 4001990318                  | Nelia Garcia              |
| 42           | 01/30/03    | \$ 150.00     | 4001990318                  | Nelia Garcia              |
| 43           | 01/30/03    | \$ 150.00     | 4001912098                  | Nelia Garcia              |
| 44           | 02/05/03    | \$ 540.00     | 4001990318                  | Nelia Garcia              |
| 45           | 02/13/03    | \$ 495.00     | 4001946781                  | CG                        |
| 46           | 02/14/03    | \$1050.00     | 4001902776                  | MR                        |
| 47           | 02/25/03    | \$1470.00     | 4001946781                  | CG                        |
| 48           | 02/27/03    | \$ 675.00     | 4001946781                  | CG                        |
| 49           | 03/05/03    | \$ 450.00     | 4001946781                  | CG                        |
| 50           | 03/06/03    | \$ 525.00     | 4001946781                  | CG                        |
| 51           | 03/24/03    | \$1785.00     | 4001946781                  | CG                        |
| 52           | 03/27/03    | \$1055.00     | 4001946781                  | CG                        |
| 53           | 04/01/03    | \$ 240.00     | 4001946781                  | CG                        |
| 54           | 04/11/03    | \$ 525.00     | 4001946781                  | CG                        |
| 55           | 04/21/03    | \$ 735.00     | 4001946781                  | CG                        |
| 56           | 04/28/03    | \$1045.00     | 4001990318                  | Nelia Garcia              |
| 57           | 05/02/03    | \$ 240.00     | 4001946781                  | CG                        |
| 58           | 05/05/03    | \$1140.00     | 4001946781                  | CG                        |
| 59           | 05/09/03    | \$ 315.00     | 4001990318                  | Nelia Garcia              |
| 60           | 05/15/03    | \$ 300.00     | 4001946781                  | CG                        |
| 61           | 05/19/03    | \$ 630.00     | 4001946781                  | CG                        |
| 62           | 05/22/03    | \$ 240.00     | 4001946781                  | CG                        |
| 63           | 05/28/03    | \$ 300.00     | 4001912098                  | Nelia Garcia              |
| 64           | 06/03/03    | \$ 225.00     | 4001946781                  | CG                        |
| 65           | 06/04/03    | \$1045.00     | 4001946781                  | CG                        |
| 66           | 06/12/03    | \$ 525.00     | 4001946781                  | CG                        |
| 67           | 06/24/03    | \$ 405.00     | 4001946781                  | CG                        |
| 68           | 06/25/03    | \$ 240.00     | 4001946781                  | CG                        |
| 69           | 07/17/03    | \$ 760.00     | 4001946781                  | CG                        |
| 70           | 07/25/03    | \$ 760.00     | 4001946781                  | CG                        |

| <u>Count</u> | <u>Date</u> | <u>Amount</u> | <u>Account<br/>Credited</u> | <u>Account<br/>Holder</u> |
|--------------|-------------|---------------|-----------------------------|---------------------------|
| 71           | 07/30/03    | \$ 475.00     | 4001946781                  | CG                        |
| 72           | 08/04/03    | \$ 855.00     | 4001946781                  | CG                        |
| 73           | 08/05/03    | \$ 945.00     | 4001990318                  | Nelia Garcia              |
| 74           | 08/22/03    | \$ 665.00     | 4001946781                  | CG                        |
| 75           | 08/29/03    | \$ 735.00     | 4001946781                  | CG                        |
| 76           | 09/05/03    | \$ 300.00     | 4001990318                  | Nelia Garcia              |
| 77           | 09/12/03    | \$ 780.00     | 4001946781                  | CG                        |
| 78           | 09/24/03    | \$ 525.00     | 4001946781                  | CG                        |
| 79           | 09/26/03    | \$1785.00     | 4001990318                  | Nelia Garcia              |
| 80           | 09/29/03    | \$ 525.00     | 4001946781                  | CG                        |
| 81           | 10/06/03    | \$ 300.00     | 4001946781                  | CG                        |
| 82           | 10/14/03    | \$ 540.00     | 4001946781                  | CG                        |
| 83           | 10/24/03    | \$ 576.00     | 4001946781                  | CG                        |

In violation of Title 18, United States Code, Section 1344.

#### COUNT 84

The Grand Jury further charges:

7. Paragraphs 1 through 3 of this Indictment are re-alleged as if fully set forth herein.

#### The Scheme to Defraud

8. On or about December 5, 2003, in the District of Hawaii, NELIA GARCIA, knowingly executed and attempted to execute a scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, as more fully set forth below.

9. It was part of the scheme and artifice to defraud

Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, that NELIA GARCIA, among other things, did the following:

a. Used her position in the Accounts Payable Department to debit money from the TSB general ledger account to issue a cashier's check made payable to a business identified herein as NF.

b. Negotiated the TSB cashier's check to NF for her own benefit and the benefit of others.

c. Concealed the unauthorized debit from the TSB general ledger account by debiting multiple TSB general ledger branch sub-accounts thereby ensuring that the debit amounts for each branch were relatively small in order to avoid scrutiny.

d. Further concealed the unauthorized debit from the TSB general ledger account by deleting, withholding, or destroying related documentation.

#### Execution of the Scheme to Defraud

10. For the purpose of executing the scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of

Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, NELIA GARCIA, executed and caused the scheme to be executed, on or about December 5, 2003, by transferring money from the Territorial Savings Bank general ledger account and issuing a cashier's check in the amount of \$4,252 which she subsequently negotiated and utilized for her own benefit and the benefit of others.

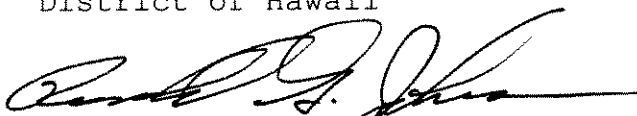
In violation of Title 18, United States Code, Section 1344.

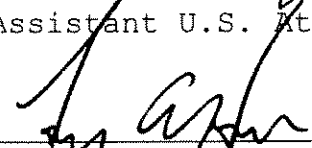
DATED: JUN 09 2004, 2004, at Honolulu, Hawaii.

A TRUE BILL

151  
FOREPERSON, GRAND JURY

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*For*   
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United States v. Nelia Garcia  
Cr. No. 04-00205 SOM  
"Superseding Indictment"